

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VAQUERIA TRES MONJITAS, INC. and
SUIZA DAIRY, INC.,

Plaintiffs,

JAVIER RIVERA AQUINO, in his official
capacity, as the Secretary of the Department of
Agriculture for the Commonwealth of Puerto
Rico, and CYNDIA E. IRIZARRY, in his
official capacity, as Administrator of the Office
of the Milk Industry Regulatory Administration
for the Commonwealth of Puerto Rico,

Defendants.

Civil No. 04-1840 (DRD)

ORDER

Pending before the Court is a *Motion for Partial Reconsideration of Order, Dkt. No. 1721* filed by Suiza Dairy, Inc. (“Suiza”), Docket No. 1722. It appears that Suiza has misread or misinterpreted the *Order* of the Court of October 8, 2010, Docket No. 1721. The Court accepts that the word “noted” may have caused confusion. Indeed, the *Order* of October 8, 2010 was triggered by Suiza’s *Motion in Compliance with Order, Dkt. No. 1705, and in Opposition to PRDFA’s Dkt. No. 1707*, Docket No. 1709. The *Order* of October 8, 2010, reads as follows, in its pertinent part, ¶ 6:

The parties [Suiza included] shall meet sometime between October 13, 2010 through October 19, 2010, that is, prior to the hearing set for October 20, 2010. The parties shall be ready to report on their meeting with their respective experts, and be prepared with proposed recommendations to the Court on Regulation No. 12.

The Court affirms its *Order* of October 13, 2010, as stated in ¶ 3:

The Court, however, understands that at some point in this litigation, all the parties in interest must meet, in good faith, with their

respective experts in order to reach an agreement as to all pending matters in this case.

In view of the foregoing, the Court “noted” Suiza’s motion, Docket No. 1709, and ordered the parties [all parties] to meet [with their experts, *see* ¶¶ 3, 6], sometime between October 13, 2010 and October 19, 2010, and be ready to report to the Court at the hearing set for October 20, 2010.¹ Furthermore, the parties and their experts are hereby ordered to make all the necessary arrangements and to meet prior to the hearing of October 20, 2010. Suiza’s *Motion for Partial Reconsideration of Order, Dkt. No. 1721*, Docket No. 1722 is denied.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 13th day of October, 2010.

s/Daniel R. Domínguez
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE

¹ The Court “notes” that the expert of Suiza will not be available. Perhaps, he may be available by phone. Suiza is to inform the Court. The meeting is considered by the Court as incomplete if the experts of ORIL, Suiza and/or VTM are not available, although the Court has authorized Indulac and the PRDFA to participate in the meeting with their experts, except Ganaderos Unidos de la Industria Lechera, Inc., who were authorized to participate only as an observer.